

32

Ref. A085/2770

PRIME MINISTER  

---

Anglo-Irish Relations: Northern Ireland

This is a report on the main developments in the latest round of Armstrong-Nally talks.

Draft Agreement

2. The title "Intergovernmental Conference" was agreed.
3. On the various amendments we were instructed to seek, we ended up as follows:

Article 2(a):

The Irish side were reluctant to lose the reference to Northern Ireland entirely.

They asked us to consider:

"an Intergovernmental Conference (hereinafter referred as "the Conference") concerned with Northern Ireland and with relations between the two parts of Ireland, to deal, as set out in this Agreement, on a regular basis with: "

or "an Intergovernmental Conference (hereinafter referred to as "the Conference"), concerned with relations between the two parts of Ireland, to deal, as set out in this Agreement, on a regular basis and mainly in relation to Northern Ireland, with: "

As Ministers had agreed that we had some room for manoeuvre on, and need not in the final analysis insist upon, the amendment



that we had proposed, we undertook to consider the revised amendments proposed by the Irish side, and report back after discussion with Ministers.

Article 2(b): Deletion of first sentence agreed.

Article 3: In order to make it clear that the Conference could if necessary and agreed meet at Ministerial level with other Ministers than the two named joint Chairman, the sentence which reads: "Other British and Irish Ministers shall attend meetings as appropriate" is amended by agreement to read "Within the framework of the Conference other British and Irish Ministers may hold or attend meetings as appropriate."

The amendments to the last sentence, to delete "permanent" and add "on a continuing basis" were agreed.

Article 4(a)(ii): "throughout the island of Ireland" agreed.

Article 4(c): Our amendments, to delete "If full devolution has not taken place" and to add "the modalities of bringing about devolution", were agreed.

Article 7(d): The substitution for "explanations can be given" of "information can be provided" was agreed.

Article 8: The Irish were not keen on "The two Governments agree on the desirability of maintaining public confidence in the

administration of justice".

We eventually agreed upon:

✓ "The two Governments agree on the importance of public confidence in the administration of justice."

Joint Press Release

4. We agreed upon the following amendments:

Paragraph 3: To be amended in line with whatever amendment is agreed for Article 2(a) of the Agreement.

Paragraph 6: Delete "permanent"; remove square brackets round "on a continuing basis". Agreed.

Paragraph 12: First sentence to read "Both Governments recognise the importance of public confidence in the administration of justice". Agreed.

Joint Communiqué

5. We had a considerable discussion about how you and the Taoiseach could deal with questions about the status of Northern Ireland without affronting the susceptibilities either of the unionists or of the Irish constitution or of the Taoiseach's likely opponents in the Dail. We concluded that the best way of doing this might be to include in paragraph 4 of the communiqué an expanded reference to Article 1 of the Agreement, suitably drafted so that both you and the Taoiseach could refer back to it in all subsequent questions about status. We agreed, ad referendum, that the expanded reference should read as follows:

"4. In the Agreement the two Government recognise as matters of fact that Ireland is not united and that Northern Ireland is part of the United Kingdom. Under the first Article the two Governments agree that any change in that situation would only come about with the consent of a majority of the people of Northern Ireland; recognise that the present wish of the majority is for no change; and declare that, if such consent were to be formally given, they would introduce and support legislation accordingly. This means that the unification of Ireland envisaged in the Irish Constitution would only come about if a majority of the people of Northern Ireland consented to it; and that consent does not now exist."

*be sure it  
as in the Article  
itself.  
No gross  
that in the  
communication*

There would then be a new paragraph, incorporating the rest of the old paragraph 4, beginning:

"5. Succeeding Articles of the Agreement establish an Intergovernmental Conference..."

6. The reordering of the indents in paragraph 7 which we proposed was agreed. The new third (old second) indent was amended to read:

"- seeking measures which would give substantial expression to the aim of underlining the importance of public confidence in the administration of justice".

7. We proposed that the last clause in paragraph 9 should be amended to read: "will give particular attention to achieving a significant and lasting improvement in the policing of border areas". This proposal led to a heated discussion in which the Irish adamantly refused to accept this amendment, or any amendment which implied criticism of the level of Irish policing on the border. They pointed out that they had accepted an amendment of ours designed to remove any suggestion



that there was not full public confidence in the administration of justice in Northern Ireland. We made it clear that we had not been greatly impressed, by the measures they had recently taken temporarily to strengthen Garda policing on the border. They said that their paper had not sought to be and should not be read as a comprehensive account of their long-term plans for policing the border: it was concerned only with the short-term reinforcement now in hand as a precaution against the possibility of an increase in terrorism as an immediate reaction to the signature of an agreement. We made it clear that, if an agreement was signed, we should be pressing them to make "significant and lasting" improvements in this area. In terms of the communiqué the furthest they were prepared to go was to amend the last part of paragraph 9 of the communiqué to read:

"...consider how the two Governments can most effectively and durably develop their joint commitment to combat terrorism, giving particular attention to the policing of border areas".

We said that we had no authority to agree to anything other than the amendment we had proposed, and would have to report back to Ministers.

#### Presentation

8. I made it clear that, in presenting the reference to mixed courts, you would have to say that you had made our position clear to the Taoiseach in the terms used in your letter of 4 October. Mr Nally said that there was no objection to this.

9. On the European Convention on the Suppression of Terrorism, I said that Ministers here had wondered whether the Irish Government might prefer to say, in the communiqué that the "would introduce legislation in the Dail enabling them to accede to the Convention, rather than saying that they "intended



to accede" to the Convention. We could accept either formulation. What was important for us, whichever formulation was used, was that it should not then or subsequently be qualified by any condition attached to performance or progress in the matters covered in the Agreement or any specific matter in the Agreement. It would be acceptable to say no more than that "having regard to" or "in the context of" the Agreement, the Irish Government intended to accede to the Convention"; or of course to quote the actual words of the communiqué. Mr Nally said that this was acceptable, and undertook to discuss with the Taoiseach the alternative form of wording we had suggested.

--- 10. I attach copies of the texts as they now stand, showing the amendments agreed or proposed in manuscript.

11. I am sending copies of this minute to the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland

ROBERT ARMSTRONG

31 October 1985